

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 16-112 (DWF)

Plaintiff,

**FINAL ORDER OF
FORFEITURE**

v.

Kirsten Ann Tjosaas,

Defendant.

WHEREAS, on August 8, 2016, this Court issued an Order of Forfeiture (Doc. No. 23) ordering Defendant Kirsten Ann Tjosaas to pay a money judgment forfeiture of \$5,773,410, and ordering the Defendant to forfeit certain enumerated property to the United States;

WHEREAS, on March 8, 2017, this Court entered a Second Preliminary Order of Forfeiture (Doc. No. 48), forfeiting additional properties to the United States;

WHEREAS, the Plaintiff posted Notices of Criminal Forfeiture for a least 30 consecutive days on an official government internet site (www.forfeiture.gov), beginning on March 11, 2017 and April 17, 2017, providing notice of the government's intention to dispose of the property in accordance with law, and of the right of third parties to petition the Court within 60 days of the first date of posting for a hearing to adjudicate the validity of their alleged legal interest in the above-described property;

WHEREAS, the United States sent direct notice of forfeiture to all known interested third parties of their right to petition the court of their interest in the above forfeited property, including the following:

- a. Jeffry Tjosaas, individually, and as Trustee of the Trust Agreement of Kirsten A. Tjosaas, dated February 18, 2010;
- b. Granite Falls Bank;
- c. Mortgage and Electronic Registration Systems (MERS);
- d. CitiBank; and
- e. David and Suzanne Tjosaas;

WHEREAS, the United States has entered into settlement agreements resolving the claims of third-parties to the properties at issue in this motion;

IT IS HEREBY ORDERED that:

1. The Motion of the United States for a Final Order of Forfeiture (Doc. No. [60]) is **GRANTED**;
2. All right, title and interest in the following property is hereby forfeited to and vested in the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), in conjunction with 28 U.S.C. § 2461(c):
 - a. The real property located at 4934 Triton Court West, Cape Coral, Florida, together with its buildings, improvements appurtenances, fixtures and attachments and legally described as follows:

Lots 39 and 40, Block 94, Unit 2, Part 3, Cape Coral
Subdivision, according to the Plat Thereof, As Recorded in
Plat Book 11, Pages 37 through 41, Inclusive, Of The Public
Records of Lee County, Florida

b. The real property located at 3326 SW 2nd Street, Cape Coral, Florida, together with its buildings, improvements, appurtenances, fixtures and attachments and legally described as follows:

Lot 43 and 44, Block 5301, Cape Coral, Unit 58, according to the Plat Thereof, Recorded in Plat Book 23, Pages 128 Through 147, Inclusive, Of the Public Records of Lee County, Florida

c. The real property located at 6048 Chasewood Parkway #205, Minnetonka, Minnesota, together with its buildings, appurtenances, fixtures and attachments and legally described as follows:

Unit No. 604825, CIC No. 1291, The Villas at Chasewood, a Condominium in the County of Hennepin, State of Minnesota, Hennepin County, Minnesota

d. The real property located at Stony Run Township, Yellow Medicine County (Parcel No. 17-031-1011 and 17-032-2030), together with its buildings, improvements, appurtenances, fixtures and attachments and legally described in attached Exhibit 1, and including funds in the approximate amount of \$3,991.08 remitted to the U.S. Marshals Service from a sale of a portion of the property;

e. The sum of \$56,500, as a substitute *res* for the real property located at 430 Lone Elm Street, Lexington, Tennessee;

f. The real property located at 24823 North 107th Way, Scottsdale, Arizona, together with its buildings, improvements, appurtenances, fixtures and attachments and legally described as follows:

Lot 42, of Artesano at Troon Canyon, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, Book 420 of Maps, Page 14

g. The net proceeds from the sale of the real property located at 4108 NW 11th Street, Cape Coral, Florida, in the amount of \$316,692.99;

h. The real property located at 3712 NW 14th Terrace, Cape Coral, Florida, together with its buildings, improvements, appurtenances, fixtures and attachments and legally described as follows:

Lots 7 & 8, Block 4251, Unit 60, Cape Coral Subdivision, According to the Plat Thereof, as Recorded in Plat Book 19,

Pages 154 to 169, Inclusive, in the Public Records of Lee County, Florida

- i. 2016 Acura MDX sports utility vehicle, bearing vehicle identification number (“VIN”) 5FRYD3H92GB004296;
 - j. 2012 Kawasaki Teryx4 750 ATV, VIN JKARTDC12CB502120;
 - k. 2013 Sailfish Boat, Hull Identification Number YSIJ0108C313;
 - l. 2008 BMW 3 Series, VIN WBAWL73548PX55945;
 - m. 2014 Kawasaki Motorcycle, VIN JKAKLEE13EDA76078;
 - n. 2015 Sea-Doo Watercraft, VIN YDV74149D515;
 - o. 2014 Yacht Club WC222 Trailer, VIN 4H1001717E0486067;
- and
- p. 2015 Polaris RZR 170 ATV, VIN RF3YAV179FT004787;

3. All right, title and interest in the following property is hereby forfeited to and vested in the United States of America as substitute property pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c):

a. The real property located at 525 Pillsbury Drive, Granite Falls, Minnesota, together with its buildings, improvements, appurtenances, fixtures and attachments and legally described as follows:

Lot Two (2), Block Two (2), Granite Falls Industrial Park 2nd Addition, Except the easterly 123.26 feet thereof as measured along the southerly boundary line of Pillsbury Drive as now laid out and maintained

b. The real property located at 148 Skyline Drive, Granite Falls, Minnesota, together with its buildings, improvements, appurtenances, fixtures and attachments and legally described as follows:

Lot Six (6) in Block One (1) of “Highland Park Third Addition,” Granite Falls, according to the duly recorded plat thereof on file and of record in the Office of the Register of Deeds in and for Chippewa County, Minnesota

- c. a 2009 Sea Doo GTX 215, bearing VIN YDV04830B909;
- d. 14kt white gold chain with 18kt white gold pendant with 3 round brilliant cut diamonds 2 cts tw;
- e. 18kt white gold ladies ring with one 2.96 ct. round diamond, 11 princess cut and 84 full cut diamonds;
- f. 18kt ladies white gold ring with 4.8 ct princess tanzanite and 6 diamonds .54 cts;
- g. The following investments owned by Kirsten Tjosaas, individually or jointly:
 - i. One (1) Membership Unit, E Energy Adams LLC;
 - ii. Three (3) Membership Units, Highwater Ethanol LLC (2 Units dated June 21, 2006; 1 Unit dated April 1, 2008); and
 - iii. Twenty-Five (25) Membership Units, Homeland Energy Solutions LLC;
- 4. The above-described property shall be disposed of by the United States in accordance with law;
- 5. The Third Party Petition For Ancillary Hearing filed by CitiMortgage, Inc. (Doc. No. 30) is **GRANTED**. The amount due to CitiMortgage with respect to the Assignment of Mortgage as to the real property located at 148 Skyline Drive, Granite Falls, Minnesota, will be paid from the net proceeds from the sale of the property,

pursuant to the terms of the Stipulation of Settlement of Third Party petition entered into between the United States and CitiMortgage, Inc. (Doc. No. 63);

6. The Petition For Adjudication of Interest Under 21 U.S.C.A. § 853 filed by Granite Falls Bank (Doc. No. 31) is **GRANTED IN PART AND DENIED IN PART**.

In accordance with the terms of the Stipulation of Settlement of Third Party Petition entered into between the United States and Granite Falls Bank (Doc. No. 62): (1) the amounts due to Granite Falls Bank with respect to its mortgage interest in the real properties located at 148 Skyline Drive, Granite Falls, Minnesota, and 24823 North 107th Way, Scottsdale, Arizona, will be paid from the net proceeds of the sale of the properties; and (2) the Petition for Adjudication of Interest filed by Granite Falls Bank is denied as to the real property located at 525 Pillsbury Drive, Granite Falls, Minnesota;

7. The forfeiture of the above-described property is subject to payment of the following from the proceeds of the sale of the property:

a. The amount due to the Villas at Chasewood Association with respect to its lien on the real property located at 6048 Chasewood Parkway #205, Minnetonka, Minnesota, will be paid pursuant to the terms of the Stipulation of Settlement of Third Party Claim entered into between the United States and the Villas at Chasewood Association (Doc. No. 64);

b. The amount due to the Artesano at Troon Canyon Homeowner's Association with respect to its lien on the real property located at 24823 North 107th Way, Scottsdale, Arizona, will be paid pursuant to the terms of the Stipulation of Settlement of Third Party Claim

entered into between the United States and the Artesano at Troon Canyon Homeowner's Association (Doc. No. 65); and

c. Payment of any unpaid property taxes due and owing with respect to the real property being forfeited in this action, including any amounts due on any tax certificate which has been issued or sold with respect to such property.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 11, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge